

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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THOMAS C. BURTON, JR.,

Plaintiff,

v.

RICHARD SEDEVIC,

Defendant.

ORDER

24-cv-95-jdp

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Plaintiff Thomas C. Burton, Jr., proceeding without counsel, is a prisoner at Columbia Correctional Institution. Burton alleges that defendant correctional officer Richard Sedevic slammed his hand in his cell's trap door. I granted him leave to proceed on an Eighth Amendment claim.

Burton's cellmate has filed an affidavit asking the court to recruit Burton counsel, along with an attached letter that appears to be from Burton asking the court to include a retaliation claim in this lawsuit because he was placed in temporary lockup after the filed the case. Dkt. 10.

I cannot consider Burton's cellmate's letter as a motion in this case: his cellmate isn't a party and Burton must sign all filings he submits to the court. And even if this was a proper filing directly from Burton, I would deny his motion for the court's assistance in recruiting him counsel. It is far too early to tell whether this case will be too complex for Burton to handle himself, he doesn't describe what impediments he has that would keep him from litigating the case himself other than his lack of legal knowledge—an impediment shared by almost all of the hundreds of inmates who litigate in this court every year, and he hasn't shown that he was contacted at least three lawyers who have refused to assist him.

I will also deny Burton's request to amend his complaint to add a retaliation claim. He hasn't properly pleaded his claim by explaining who he'd like to bring it against or alleged how he knows that his placement in segregation was made in retaliation for this lawsuit. And in any event, this court generally does not allow prisoners to supplement or amend their complaints to include new claims that they have been retaliated against for filing the underlying lawsuit. *See, e.g., Naseer v. McArdle*, No. 17-cv-509-jdp, 2019 WL 4603791, at \*5 (W.D. Wis. Sept. 23, 2019).

Burton's cellmate also notes that Burton would like a copy of the docket sheet. I will direct the clerk of court to send him a copy.

#### ORDER

IT IS ORDERED that:

1. Plaintiff Thomas C. Burton's motion to amend the complaint, Dkt. 10, is DENIED.
2. The clerk of court is directed to send plaintiff a copy of the docket sheet.

Entered August 12, 2024.

BY THE COURT:

/s/

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JAMES D. PETERSON  
District Judge